

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

Confirmation: 4713

Adrian Crisan et al.

Art Unit: 2192

Application Number: 10/029,766

Examiner: Kiss, Eric B.

Filing Date: December 18, 2001

Docket No.: 200302293-1

Title: **Hardware ROM Upgrade Through An Internet Or Intranet Service**

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

With regard to the Reasons for Allowance accompanying the Notice of Allowance and Fees Due mailed on January 17, 2008 in the above-referenced patent application, Applicants submit the following Comments.

Applicants assert that there are multiple grounds supporting allowance of the presently pending claims, including grounds in addition to those stated in the Statement of Reasons for Allowance. Accordingly, it should not be assumed that Applicants agree with the accuracy of the characterizations of the cited references and the claim elements in the Statement of Reasons for Allowance.

Applicants also note that 35 U.S.C. Section 282 states as follows: "Each claim of a patent (whether in independent, dependent, or multiple dependent form) shall be presumed valid independently of the validity of other claims; dependent or multiple dependent claims shall be presumed valid even though dependent upon an invalid claim." Thus, any dependent claims that are not addressed by the Statement of Reasons for Allowance should not rise or fall, when construed in terms of validity, with

their respective independent claims, but instead should be construed independently of their respective independent claims.

Also, the scope and validity of each claim (whether in independent, dependent, or multiple dependent form) should be determined based upon the entire combination of elements/features/steps in each claim, as opposed to only the particular feature or features pointed out by the Statement of Reasons for Allowance.

Respectfully Submitted,

/Michael J. D'Aurelio/

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